

**Town of North Smithfield Planning Board
Kendall Dean School, 83 Green Street
Thursday, July 15, 2010, 7:00 PM**

The Chair called the meeting to order at 7:02 pm.

1. Roll Call

**Present: Chair Scott Gibbs, Alex Biliouris, Dean Naylor, Joe Cardello.
Absent: Steve Vowels, Gene Simone. Late: Art Bassett. Also present
was Town Planner Bob Ericson.**

2. Approval of Minutes: none

**3. Stop and Shop Gas Station – Master Plan Public Information
Meeting: Major Land Development Project**

Applicant: Gas Development LLC, Wilmington MA.

Location: 35 Eddie Dowling Hwy

Assessor's Plat 21, Lot 67

Zoning: BN (Neighborhood Business)

**Mr. Ericson summarized the status of the application, noting that he
asked the applicant to address Level of Service (LOS) F on the right
exit.**

Attorney S. Paul Ryan summarized the status of the application and introduced Conner Nagle PE, project engineer, who described the site. It will have 5 pump housings, 10 fueling hoses, 40,000 gallons of underground storage, restroom for attendant only, and low-impact development features for stormwater management.

Mr. Cardello critiqued the stormwater management plan (SWMP) and asked whether the Department of Environmental Management (DEM) has stormwater jurisdiction. Mr. Nagle said DEM does not because the site is less than 1 acre. Mr. Ericson noted that the SWMP came in late with only 4 copies and was not distributed at the Master Plan stage.

Mr. Naylor expressed concerned about changes in weather patterns and upslope runoff to the site. He questioned whether the signs on the canopy would be in compliance.

Robert Clinton, PE of Vanasse Hangen Brustlin, Inc (VHB) discussed traffic. He has been with VHB doing traffic analysis since 1986. This study considered Dowling Village (DV) impact at partial and full build-out. He noted that the calculated LOS typically exceeds real-world LOS, so they will do a "delay study" of the difference at a similar site such as McDonald's. Mr. Cardello agreed that such a study would be useful. He explained that LOS F is a 60-second wait.

Mr. Clinton explained the proposed single-lane exit versus a dual-lane exit. He was not sure the Department of Transportation would allow an access permit for two lanes. A two-lane exit is good because it prevents trapping right-turning cars behind left-turning. It's not as good for left turning in. The compromise is an 18' "sneak past" lane. Narrower curb cuts are better for pedestrians.

Adjacent traffic signals could be adjusted for better performance, and Mr. Clinton speculated that Bucci Development had planned that as part of Dowling Village traffic impact mitigation.

Mr. Clinton explained that they were conservative on new trips versus pass-by trips. Using 52% of all trips as new trips was a significant overestimation.

Mr. Cardello asked Mr. Clinton to review the 2-way left into Dowling Village that could go back 580'. Did it create any conflict?

Mr. Biliouris said that the left turn is the issue. Mr. Clinton responded that regions with aggressive drivers go into smaller gaps than the national average.

Mr. Naylor asked about site distance right. Mr. Clinton responded that it is over 500' and exceeds the 45 mph requirement.

Mr. Naylor asked why VHB used empirical data. Mr. Clinton replied

that ITE numbers were lower than empirical data based on five similar sites in New England. He further explained that conservative estimates on top of each other multiply impacts. He's done other projects with backups from nearby traffic lights. Drivers of other cars let exiting cars out.

Mr. Naylor asked if VHB has ever gone back to sites afterward and determined how close their predictions were. Mr. Clinton said yes, and they were under what VHB predicted. Mr. Naylor asked him to check the planned evolution of Dowling Village turning lanes.

Lisa Davis said that in her experiences with Stop & Shop, no town has told her that she underestimated traffic or created problems. They have done some minor changes after the fact.

Mr. Biliouris noted that if you don't have good traffic flow, it hurts your business. Mr. Clinton said that Stop and Shop gets it, unlike some other VHB clients.

VHB environmental expert William Tabor specializes in fuel storage and cleanup. He discussed delivery and storage. They will use double-wall fiberglass tanks with a bright green brine solution between walls. Loss of brine thru inner or outer wall will trigger a float level alarm of 92 decibels. They will also use double-wall piping. There will be no net loss of gasoline vapors in loading. The canopy will keep stormwater off the gasoline filling area.

Mr. Bassett questioned off-site flow to the site. Mr. Nagle replied that anything coming from upslope will be handled.

Mr. Naylor asked how you unload tanks if they leak. Mr. Tabor said that vacuum pump trucks are on call. Tank excavations are backfilled with pea stone, not vaulted in concrete as single wall tanks sometimes were. An alarm notification goes to the local fire dept and RIDOT.

Mr. Naylor asked about costs to the Town, including police costs? Lisa Davis said they are almost nil. In her memory they have had one case of fire suppression from a car fire, and that required fire department response.

In public comment, only Lucien Benoit participated.

Mr. Cardello made a motion to approve the Master Plan application of Gas Development LLC, Wilmington MA, plans dated June 30, 2010, for a fuel station at 35 Eddie Dowling Hwy, Assessor's Plat 21, Lot 67 with the condition that the applicant return at Preliminary Plan submission with comments from the Conservation Commission. Second by Mr. Biliouris. Messrs Biliouris, Naylor, Cardello and Gibbs voted aye; none voted nay.

All parties are on record as knowing they need a Special Use Permit

for use, so the motion to approve need not reference that issue until the Preliminary Plan stage.

Mr. Cardello moved to close the public hearing. Second by Mr. Naylor.

4. Ordinance reviews: Wind turbines, signage for consistency with the Comprehensive Plan

Because the sign ordinance and possibly the wind ordinance dealt primarily with Dowling Village, Mr. Biliouris recused himself.

Paul Soares spoke for the Ordinance Review Committee version of the wind ordinance and its 1.75 fall ratio. It was approved unanimously on April 14. Mr. Soares thought that the Ordinance Review Committee changes would better protect public health, safety and the environment.

Mr. Cardello thought the 1.75 fall ratio to the property line was overly restrictive.

Mr. Soares commented on the Ordinance Review Committee noise provision. Mr. Naylor discussed the 50-decibel limit. Mr. Cardello thought it was too restrictive. Mr. Ericson said there are places in town where the ambient background noise is above 50 dbA.

During discussion of both versions, Mr. Bassett said ambient noise levels in Union Village are above 50db. Mr. Cardello recommended that, in general, specs should not say the same thing twice in different places, because they will eventually get out of sync. He recommended referencing existing ordinances.

Mr. Soares discussed wildlife vs wildlife habitats. He wanted consideration of birds and bats specifically. Mr. Bassett clarified that he was not on the Ordinance Review Committee then, but he wants it on the record that the Ordinance Review Committee does not support the Planning Board version.

Mr. Bassett asked whether actual lots were reviewed. Mr. Soares said no.

Mr. Gibbs reminded everyone that the issue is simply consistency with the Comprehensive Plan. Mr. Cardello made a motion to find the wind turbine ordinance consistent with the Comprehensive Plan. Second by Mr. Bassett Messrs Bassett, Naylor, Cardello and Gibbs voted aye; none voted nay.

Mr. Cardello made a motion to find the sign ordinance amendments consistent with the Comprehensive Plan. Second by Mr. Bassett. Messrs Bassett, Naylor, Cardello and Gibbs voted aye; none voted nay.

5. Review of modification to Special Use Permit: Dowling Village Phase IV proposed modification for consistency with the Comprehensive Plan

Chairman Gibbs reviewed the joint meeting between the Planning Board and Zoning Board of Review. He summarized John Mancini's letter in support of the concept that residential is not required by the Comprehensive Plan. Mr. Naylor said he has not found such a reference. Mr. Ericson said he searched the Comprehensive Plan digitally by key words and found residential to be permitted rather than required in mixed use.

Chairman Gibbs read Town Solicitor Nadeau's email into record. It noted that both his and Mr. Mancini's readings are fair, and Mr. Nadeau had no objection to the Planning Board voting one way or another.

Discussion ensued that distilled two separate issues:

- 1. If the Zoning Board of Review grants relief, is that consistent with the Comprehensive Plan?**
- 2. Does Planning Board recommend that the Zoning Board of Review vote favorably?**

Mr. Naylor made a motion to extend the meeting 30 minutes, second by Mr. Bassett. Messrs Cardello, Gibbs, Naylor and Bassett voted aye, with none against.

Mr. Cardello made a motion for a favorable decision to allow for relief and modification to the approved Master Plan for Dowling Village to allow for the construction and operation of a wind turbine in the area known as Phase IV in lieu of a residential component. Condition: If said turbine is not constructed within 48 months, the residential component shall be reinstituted per the approved Master Plan. Second by Mr. Naylor.

Mr. Cardello moved that the Planning Board finds that the Zoning Board of Review granting of a modification to the Special Use Permit for Dowling Village resulting in construction of a wind turbine for Phase IV in lieu of residential development in Phase IV is consistent with the Comprehensive Plan. Second by Mr. Naylor. Messrs Cardello, Gibbs, Naylor and Bassett voted aye, with none against.

6. Planning Update: Review of current events

Motion to eliminate Planning Update by Mr. Naylor, second by Mr. Cardello with all in favor.

7. Adjournment: Motion to adjourn by Mr. Naylor, second by Mr. Cardello with all in favor.

Approved by Planning Board September 2, 2010